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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/249,642	02/12/99	VU	SONY-11300

EXAMINER	
WILSON, J	
ART UNIT	PAPER NUMBER
2612	10

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WM02/1106

DATE MAILED: 11/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/249,642	Vu et al.
Examiner	**Art Unit**
Jacqueline Wilson	2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *three* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Jul 31, 2001*

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-25* is/are pending in the applica

4a) Of the above, claim(s) _____ is/are withdrawn from conside

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-25* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirem

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

DETAILED ACTION III

Response to Arguments

1. Applicant's arguments filed 07/31/01 have been fully considered but they are not persuasive.

Firstly, the applicant argues that Endsley et al.'471 fails to teach *varying* the number of data units within a line or a frame to achieve a desired frame rate. However, this teaching is not specifically claimed in the claimed limitations. The applicant further argues that Endsley et al.'471 fails to teach transmitting a stream of data including x number of first data blocks and y number of second data blocks. Again, the examiner disagrees. As stated before, video streaming consists of a plurality of frames wherein the first frame has n units of data and the second frame consists of m units of data (referred to as pixels). This is broadly interpreted as being synonymous to having x and y data blocks. As for the arguements regarding Claims 6 and 13, see previous discussion. However, the x number (plurality) of first frames is interpreted as the even number of frames, and the y number (plurality) of second frames is interpreted as the odd number of frames. As for the limitation of achieving the predetermined rate, the examiner believes that Endsley et al.'471 teaches this fact. In column 4, lines 1-42, Endsley et al.'471 teaches in order to transfer images from the source device to a receiving device in an isochronous mode, the output signals must comply with a USB data rate. The data stream consisting of the combined x and y number of data blocks must comply with the USB data rate in order to send signals successfully over the USB.

This teaching reads on the limitation of combining x number of first data blocks and y number of second data blocks into a data stream to achieve the predetermined rate.

Secondly, the applicant argues that Ishii et al.'416 does not teach transmitting a stream of data including x number of first data blocks and y number of second data blocks wherein the first data blocks and the second data blocks are of a same type. The examiner again disagrees. It is agreed that Ishii et al.'416 teaches that the image packet data and the color space characteristic data are different as mentioned on page 8, third paragraph of the applicants amendments. However, the claimed limitation of "types" is used broadly in which the examiner believes that the first and second data blocks consists of information relating to the image data.

Therefore, the rejections are maintained.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. **Claims 1, 2, 4, 6, 8, 10-13, 17, and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Endsley et al. (US 5,841,471).**

Regarding Claim 1, Endsley et al.'471 teaches sending continuous data stream from a source device to a receiving device(see fig. 1). It is notoriously well known in the art that data streams consists of a plurality of video frames combined together, wherein each frame consists of a plurality of pixels. For example, the first frame has n units of pixels, and the second frame has an m units of pixels. Having pixels as a part of the video stream is inherent in the system of Endsley et al.'471 since isochronous video data (streams of video data) is sent to a remote device. Therefore, the limitations of forming x number of first data blocks (first frame) consisting of n units of data and y number of second data blocks (next sequential frame) consisting of m units being combined into a data stream to achieve the predetermined rate (col.4, lines 1-42) is met. Since the first and send blocks contain pixel data, this is synonymous to being of the same type.

Regarding Claim 2, Endsley et al.'471 teaches transmitting the data stream from the source device at a predetermined rate (col. 4, lines 7-12).

Regarding Claim 4, Endsley et al.'471 teaches the data stream is digital video data (see abstract).

Claim 6 is analyzed and discussed with respect to Claims 1 and 2. (See rejection of Claims 1 and 2 above.)

Claim 8 is analyzed and discussed with respect to Claim 2, with the further limitation of the data stream conforms to the standards of an IEEE 1394-1995 network. This limitation is discussed on col 6, lines 1-9.

Claim 10 is analyzed and discussed with respect to Claim 8. (See rejection of Claim 8 above.)

Claim 11, Endsley et al.'471 teaches the source device and the receiving device are coupled together within a network (see fig. 1).

Claim 12 is analyzed and discussed with respect to Claim 8. (See rejection of Claim 8 above.)

Claim 13 is analyzed and discussed with respect to Claims 1 and 2. (See rejection of Claims 1 and 2 above.)

Regarding Claim 15, Endsley et al.'471 teaches an interface coupled to the controller and configured for connecting to a network (see fig. 1).

Claim 16 is analyzed and discussed with respect to Claim 8. (See rejection of Claim 8 above.)

Claim 17 is analyzed and discussed with respect to Claim 1 and 2. (See rejection of Claim 1 and 2 above.)

Claim 23 is analyzed and discussed with respect to Claim 8. (See rejection of Claim 8 above.)

Claim 24 is analyzed and discussed with respect to Claim 11. (See rejection of Claim 11 above.)

Claim 25 is analyzed and discussed with respect to Claim 2. (See rejection of Claim 2 above.)

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. **Claims 1, 2, 4, 6, 8, 10-13, 17,19 and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishii et al. (US 5,982,416).**

Regarding Claim 1, Ishii et al.'416 teaches transmitting information from a source device (fig. 1) comprising forming x number of first data blocks wherein each of the first data blocks contains n units of data (referred to as Isochronous packet containing n units of data; col. 5, lines 62+), forming y number of second data blocks wherein each of the second data blocks contains m units of data (referred to as Asynchronous packet containing m units) and combining x number and y number of blocks into a data stream (see figs. 7, 18, and 4, element 103) to achieve a predetermined rate (fig. 7; col. 7, lines 1-18). Ishii et al.'416 teaches that both blocks pertain to image data. Therefore, this is synonymous to being of the same type since both have something to do with the image being transmitted.

Regarding Claim 2, Ishii et al.'416 teaches that transmitting multiplexed data is based on the specifications of the IEEE 1394 standard in which figure 7 shows the packet transition in a predetermined isochronous cycle. One having ordinary skill would recognize that the IEEE 1394

has a predefined transfer time in which figure 7 shows and is therefore inherent in the system of Ishii et al.'416.

Regarding Claim 3, Ishii et al.'416 teaches evenly distributing the x number of first data amount the y number of second data blocks (see figs. 7 and 18).

Regarding Claim 4, Ishii et al.'416 teaches the data stream is digital video data (see abstract).

Claim 6 is analyzed and discussed with respect to Claims 1 and 2. (See rejection of Claims 1 and 2 above.)

Claim 8 is analyzed and discussed with respect to Claim 2. (See rejection of Claim 2 above.)

Claim 9 is analyzed and discussed with respect to Claim 3. (See rejection of Claim 3 above.)

Claim 10 is analyzed and discussed with respect to Claim 2. (See rejection of Claim 2 above.)

Regarding Claim 11, Ishii et al.'416 teaches the source device and the receiving device are coupled together within a network (see fig. 1).

Claim 12 is analyzed and discussed with respect to Claim 2. (See rejection of Claim 2 above.)

Claim 13 is analyzed and discussed with respect to Claims 1 and 2. (See rejection of Claims 1 and 2 above.)

Regarding Claim 15, Ishii et al.'416 inherently teaches an interface coupled to the controller and configured for connecting to a network (see figs. 1 and 7, element 106).

Claim 16 is analyzed and discussed with respect to Claim 2. (See rejection of Claim 2 above.)

Claim 17 is analyzed and discussed with respect to Claim 13. (See rejection of Claim 13 above.)

Regarding Claim 19, Ishii et al.'416 teaches the source device is a computer system (10; see figs. 1 and 4).

Claim 23 is analyzed and discussed with respect to Claim 2. (See rejection of Claim 2 above.)

Claim 24 is analyzed and discussed with respect to Claim 11. (See rejection of Claim 11 above.)

Claim 25 is analyzed and discussed with respect to Claim 2. (See rejection of Claim 2 above.)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claims 5, 7, 14, 18, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endsley et al.'471.**

Regarding Claim 5, Endsley et al.'471 fails to specifically disclose the n, m, x, and y values are integer values. However, one having ordinary skill would recognize that a plurality of frames and pixels are known to be natural numerical values (or as the applicant claims to be integer values). It is not practiced in the art to produce, for example 1.04 of a frame or 1.05 of a pixel. This would not create an adequate picture quality. Although not stated, it would have been obvious to produce frames in integer values as well as packet in integer values as shown in figure 7 to produce a discernable image for transmission. Therefore, it would have been to one having ordinary skill in the art to have the n, m, x, and y values to be integer values.

Claim 7 is analyzed and discussed with respect to Claim 5. (See rejection of Claim 5 above.)

Claim 14 is analyzed and discussed with respect to Claim 5. (See rejection of Claim 5 above.)

Claim 18 is analyzed and discussed with respect to Claim 5. (See rejection of Claim 5 above.)

Regarding Claim 20, Endsley et al.'471 does not specifically teach the remote receiver is a digital video camera. However, it is notoriously well known in the art for camera devices

connected to computers to send data between each other. This allows for the camera to acquire data from the computer (i.e. updating, viewing, etc.) and downloading data transferred from a camera to a computer. (Official Notice)

Regarding Claim 21, Endsley et al.'471 does not specifically disclose the predetermined rate is 29.97 frames per second. However, it is notoriously well known in the art to transmit signal conforming to standard television signals (29.97 frames per second). By performing this method allows for images to be seen on a monitor desirably. Therefore, it would have been obvious to one having ordinary skill in the art to have the predetermined rate to be 29.97 frames per second.

Regarding Claim 22, Endsley et al.'471 does not specifically disclose the plurality of first frames are 9336 frames, x packets represent 267 packets, the plurality of second frames are 664 frames, and y packets represent 266 packets. However, this is an obvious matter of design choice by the manufacturer at the time of production to manufacture such values with respect to the transmission scheme, for it does not change the scope of the invention.

8. **Claims 5, 7, 14, 18, and 20-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al.'416.**

Regarding Claim 5, Ishii et al.'416 fails to specifically disclose the n, m, x, and y values are integer values. However, one having ordinary skill would recognize that a plurality of frames are known to be natural numerical values (or as the applicant claims to be integer values). It is not

practiced in the art to produce, for example 1.04 of a frame. This would not create an adequate picture quality. Although not stated, it would have been obvious to produce frames in integer values as well as packet in integer values as shown in figure 7 to produce a discernable image for transmission. Therefore, it would have been to one having ordinary skill in the art to have the n, m, x, and y values to be integer values.

Claim 7 is analyzed and discussed with respect to Claim 5. (See rejection of Claim 5 above.)

Claim 14 is analyzed and discussed with respect to Claim 5. (See rejection of Claim 5 above.)

Claim 18 is analyzed and discussed with respect to Claim 5. (See rejection of Claim 5 above.)

Regarding Claim 20, Ishii et al.'416 does not specifically teach the remote receiver is a digital video camera. However, it is notoriously well known in the art for camera devices connected to computers to send data between each other. This allows for the camera to acquire data from the computer (i.e. updating, viewing, etc.) and downloading data transferred from a camera to a computer. (Official Notice)

Regarding Claim 21, Ishii et al.'416 does not specifically disclose the predetermined rate is 29.97 frames per second. However, it is notoriously well known in the art to transmit signal conforming to standard television signals (29.97 frames per second). By performing this method

allows for images to be seen on a monitor desirably. Therefore, it would have been obvious to one having ordinary skill in the art to have the predetermined rate to be 29.97 frames per second.

Regarding Claim 22, Ishii et al.'416 does not specifically disclose the plurality of first frames are 9336 frames, x packets represent 267 packets, the plurality of second frames are 664 frames, and y packets represent 266 packets. However, this is an obvious matter of design choice by the manufacturer at the time of production to manufacture such values with respect to the transmission scheme, for it does not change the scope of the invention.

Conclusion

9. Any inquiries concerning this communication from the examiner should be directed to **Jacqueline Wilson** whose telephone number is (703) 308-5080. The examiner can normally be reached Monday-Friday (alternate Fridays off) from 9:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reached at (703) 305-4929. The fax number for this group is (703) 872-9314.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or Faxed to:

(703) 872-9314, (for formal communication intended for entry)

or:

(703) 6306/6296 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).

JBW

October 24, 2001

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